

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO., L.P., BY AND)	
THROUGH ITS AGENT AND GENERAL PARTNER)	
SPRINT SPECTRUM, L.P., AND SBA TOWERS)	
KENTUCKY, INC., JOINTLY, FOR ISSUANCE OF A)	CASE NO. 97-355
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A PERSONAL)	
COMMUNICATIONS SERVICES FACILITY IN)	
THE LOUISVILLE MAJOR TRADING AREA)	
(ALTON FACILITY))	

O R D E R

This matter arising upon the motions of James A. Johnson, Rolf Hellinger, and Dennis Raleigh (hereinafter referred to collectively as "Petitioners") for full intervention, and it appearing to the Commission that Petitioners have a special interest which is not otherwise adequately represented, and that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, and this Commission being otherwise sufficiently advised,

IT IS HEREBY ORDERED that:

1. The motions of Petitioners to intervene are granted.
2. Each Petitioner shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should any Petitioner file documents of any kind with the Commission in the course of these proceedings, said Petitioner shall also serve a copy of said documents on all other parties of record.

Done at Frankfort, Kentucky, this 6th day of October, 1997.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt
For the Commission

ATTEST:

Don Mills
Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WIRELESSCO., L.P., BY AND)
THROUGH ITS AGENT AND GENERAL PARTNER)
SPRINT SPECTRUM, L.P., AND SBA TOWERS)
KENTUCKY, INC., JOINTLY, FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 97-355
NECESSITY TO CONSTRUCT A PERSONAL)
COMMUNICATIONS SERVICES FACILITY IN)
THE LOUISVILLE MAJOR TRADING AREA)
(ALTON FACILITY))

O R D E R

The Commission has received the attached letters from James A. Johnson, Rolf Hellinger and Dennis Raleigh (hereinafter referred to collectively as "Petitioners") regarding the proposed personal communications services facility to be located at 1830 Old Frankfort Highway, Lawrenceburg, Anderson County, Kentucky.

IT IS THEREFORE ORDERED that:

1. WirelessCo., L.P. ("WirelessCo") shall respond to Petitioners' concerns by certified letter, within 10 days from the date of this Order.
2. WirelessCo shall file a copy of the certified letter and dated receipt, within 7 days of the date on the receipt.


Done at Frankfort, Kentucky, this 6th day of October, 1997.

ATTEST:

PUBLIC SERVICE COMMISSION



Executive Director



For the Commission

James A. Johnson and Rolf Hellinger
1820 Old Frankfort Road
Lawrenceburg Kentucky 40342-9683
Tel: (502) 839-9360

RECEIVED

SEP 18 1997

PUBLIC SERVICE
COMMISSION

18 September 1997

Page 1 Of 3

The Executive Director
Public Service Commission Of Kentucky
P.O. Box 615
Frankfort KY 40602-0615

RECEIVED

SEP 24 1997

GENERAL COUNSEL

Ref: Public Notice - Case No. 97-355

In response to SBA Towers Kentucky, Inc.' letter dated 08-29-97 which we did not receive until 09-04-97 because of additional postage due (insufficient auto-stamped postage), we enter this ~~request for intervention~~ and our request for an additional time extension to submit and address the following comments and questions listed below. Furthermore, SBA Towers Kentucky, Inc. did not include the indicated enclosure(s) in their letter to any of the listed owners.

We presume that the response time of 20 days was given in "Work Days". Legal issues and questions concerning this project to be located at the proposed lease site are too many to be resolved in a short period of 16 days (12 work days). Information and data must be obtained from various Federal-, State- and Local Government Agencies who do not function on Saturdays, Sundays and legal holidays, and sometimes take weeks for their responses.

Therefore, we ask for an extension in time for a complete response and expansion to the 16 points as listed below concerning this project proposal, and that approval or denial of the proposal be withheld until the property owner of the proposed lease site, The Church Of the Open Bible, as the Lessor, and Wireless Co., SBA Towers Kentucky, Inc., Sprint Spectrum L.P., as the Lessees (Tenants), can satisfactorily resolve these questions and legal issues.

Issues of concern and to be addressed are:

1. Size of Proposed Installation; Type of service; Public need and necessity versus commercial/industrial project.

**James A. Johnson and Rolf Hellinger
1820 Old Frankfort Road
Lawrenceburg Kentucky 40342-9683**

18 September 1997

Page 2 Of 3

The Executive Director - Public Service Commission Of Kentucky

Ref: Public Notice - Case No. 97-355

Continued:

- 2. Incomplete and incorrect legal ownership listings within the arbitrarily chosen 500ft radius from the proposed lease site.**
- 3. Incorrect site and property description for use in the proposal.**
- 4. Construction of commercial/industrial/utility high-rise structures in very close proximity of existing residences (less than 190ft), and in residential communities.**
- 5. Violations of specific local property zoning laws by owners who lease property to commercial/industrial/utility users.**
- 6. A zoning change request required for a commercial / industrial lease on this Federal-, State- and Local tax exempt property has not been filed by the property owner, the Church Of The Open Bible (Lessor).**
- 7. Approval for use and lease of Federal-, State- and Local Tax exempt property designated for church use only to commercial/industrial/utility users.**
- 8. Location of commercial/industrial/utility high-rise structures on a waste dump site.**
- 9. Type and amount of liability insurance carried by the property owner(s) (lessor and lessees) for the life/existence of the high-rise installation (operational or not operational).**
- 10. Location of public utility service entrances (electric; natural gas; water; sewage; telephone;) in this lease/rent arrangement.**
- 11. Minimum proximity of commercial/industrial/utility high-rise structures to public highways (federal, state, county, city).**

James A. Johnson and Rolf Hellinger
1820 Old Frankfort Road
Lawrenceburg Kentucky 40342-9683

18 September 1997

Page 3 Of 3

The Executive Director - Public Service Commission Of Kentucky

Ref: Public Notice - Case No. 97-355

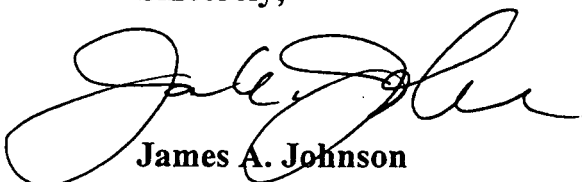
Continued:

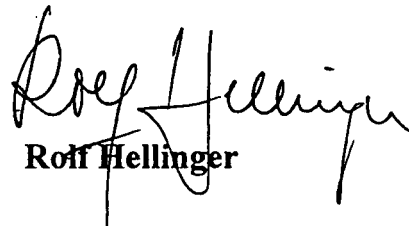
- 12. Location of commercial/industrial/utility high-rise structures in military flight corridors.**
- 13. Endangerment of personnel and damage to surrounding equipment and property caused by the operation of the proposed installation especially in regard to the expected increase in direct/indirect, primary/secondary lightning strikes at this proposed location, and by the operation of static and/or rotary equipment and switching devices used in the installation's uninterruptable power supplies (UPS), etc.**
- 14. Contradictory and incomplete construction description, design data and details contained in the proposal documentation submitted to the PSC.**
- 15. Effect of this commercial/industrial installation on the established surrounding A1 zoned property assessment values.**
- 16. Environmental effects on properties located across county lines. The proposed lease site is located approx. 600ft from the Anderson/Franklin County line.**

A detailed expansion on the above points is being prepared and planned to be sent to you within 10 (work) days or sooner as more additional information and data becomes available. We are waiting for your confirming reply.

Copies of this letter will be made available to the property owners of the effected Community and Local Government Agencies.

Sincerely,


James A. Johnson


Rolf Hellinger

Dennis Raleigh
1825 Old Frankfort Rd
Lawrenceburg, KY 40342

September 15, 1997

Don Mills, Executive Director
Public Service Commission
P.O. Box 615
Frankfort, KY 40601

Re: Docket #97-355
Alton Tower

RECEIVED

SEP 18 1997

PUBLIC SERVICE
COMMISSION

Dear Mr. Mills:

By this letter I am requesting full intervention into the referenced docket. I strenuously object to the placement of a 265 ft. high tower at the proposed location. I feel full intervention is appropriate for the following reasons:

1. This proposal does not demonstrate that the health of those of us living in the vicinity of this tower will not be adversely affected.
2. The proposed location of this tower will result in the reduction of property values in the immediate community. The proposal would lead you to believe that there are no residents in the area that would be affected. Photo's in your file make it appear as if the location of this tower would be out in a field away from any residential areas. This is not true. Many homes would be affected. The plan does not clearly depict how close the tower would be to Highway 127.
3. The proposed location of this tower would result in interference of reception on telephones, radios and televisions.
4. The proposed location of this facility would result in the degradation of the aesthetic qualities of the now rural landscape. Specifically, a tower at this proposed location would be in plain view of numerous homes and dominate (overwhelm) the existing view of the rural landscape, including two churches. Nighttime would be continually punctuated with blinking lights required by the FAA.
5. The proposed location is a highway fill area and the tower would not be established on bedrock, making the tower a unsafe structure.
6. This proposed tower is for a private enterprise (cellular telephones) and does not constitute a 'public convenience and necessity'. Neither local residents nor the county receive a 'public' benefit. I question whether the church should be allowed such a facility since they are a tax exempt establishment.
7. This private company proposes to lease other antenna space on this tower for profit. This clearly eliminates any 'public convenience and necessity' basis for your approval.
8. Other locations should be considered that will be less impact on our community. I am sure there are other locations that will serve the same purpose without the negative impact on a residential area.

For these reasons I am strongly opposed to the construction and operation of this tower at this location. I also believe these reasons are sufficient for full intervention. I hope you will seriously consider this request as a 'public service' commission and not a private enterprise approval commission as implied by this proposal.

Sincerely,



Dennis Raleigh